

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.622(b),
Table of Allotments,
Digital Television Broadcast Stations,
(Honolulu, Hawaii)

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MB Docket No. 04-192
RM-10966

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To: The Secretary, FCC
Attn: Chief, Video Division, Media Bureau

Federal Communications Commission
Office of Secretary

COMMENTS REGARDING NOTICE OF PROPOSED RULEMAKING

Hawaii Public Television Foundation ("HPTF"), dba PBS Hawaii, by its counsel, hereby comments on the Notice of Proposed Rulemaking ("NPRM") released May 28, 2004 in response to Pacifica Broadcasting Company's ("Pacifica") request for the substitution of DTV Channel *10 for DTV Channel *39c at Honolulu, Hawaii. HPTF is concerned that the proposed DTV channel change will adversely affect viewer reception of HPTF's adjacent channel NTSC Station KHET-TV, Channel *11, Honolulu, Oahu, Hawaii and HPTF's co-channel NTSC Station KMEB-TV, Channel *10, Wailuku, Maui, Hawaii.

Background

HPTF is the licensee of noncommercial educational TV stations KHET-TV and KMEB-TV. HPTF is a member of the Public Broadcasting System (PBS) and broadcasts high-quality public TV programming and local programming to its service areas. See <http://www.pbshawaii.org>. HPTF provides the only public television service throughout the islands of Hawaii. Despite difficult topography in the region, HPTF reaches more than 98

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percent of Hawaii's households through a series of transmitters and translators stretched across the islands. In certain communities, HPTF is the only receivable signal, broadcast or cable.

HPTF's Station KHET-TV transmits from a 400-foot self-supporting tower at 1534 Kapiolani Blvd. in Honolulu, on the island of Oahu, which is approximately 18 miles (29 km) from the coordinates proposed for KALO-DT in the NPRM. HPTF's Station KMEB-TV transmits from a site on Mount Haleakala, on the island of Maui, Hawaii, which is approximately 128 miles (206 km) from the coordinates proposed for KALO-DT in the NPRM.

HPTF is concerned that the use of a non-collocated adjacent DTV channel on Channel *10, just one channel below KHET-TV on Channel *11, will disrupt viewer reception of KHET-TV, including both over-the-air reception and cable reception. Moreover, HPTF submits that, before proposing use of a non-collocated adjacent DTV channel (with possible interference consequences), Pacifica should be required to demonstrate that no other viable substitute DTV channel is available for KALO-DT. HPTF believes that use of a different DTV Channel for KALO-DT would better serve the public interest because it would avoid potential interference and logistical problems that use of DTV Channel *10 is bound to cause.

Use of DTV Channel 10 Would Frustrate the Public Interest By Causing Interference to Existing Public Television Service

HPTF is concerned that the proposed operation of KALO-DT on Channel *10 from a non-collocated site approximately 18 miles from the KHET-TV facility would result in interference and operational difficulties for KHET-TV and KMEB-TV (including logistical problems with coordination of future relocations, upgrades or facility modifications), as well as additional interference to other nearby stations. In particular, the use of a high density digital signal for KALO-DT on a channel adjacent to KHET-TV's Channel 11, without co-location of

facilities, could cause extensive interference to local viewers' existing reception of KHET-TV's noncommercial educational programming.

In its implementation of the digital television transition, the FCC specifically recognized the potential interference hazards caused by adjacent channel NTSC and DTV operations. In its *Service Reconsideration Order*, the FCC stated that "revisions are needed to reduce the potential for adjacent channel interference" and "a solution that includes tightening the DTV emissions mask, making a number of specific DTV allotment changes where needed, and providing flexible administrative processes to encourage adjacent channel co-locations offers the best approach for addressing adjacent channel interference concerns."¹ Given the lack of co-location in this instance, a different DTV allotment than that proposed by Pacifica should be the required solution, particularly if there is a viable alternative allotment. (Pacifica has not demonstrated that there is no other viable alternative allotment.)

Moreover, based on real world situations involving co-channel analog and digital "ducting" interference (such as in the Hampton Roads area, the Gulf Coast, the Great Lakes and California), HPTF urges the Commission to use caution before agreeing to allot DTV Channel *10 to an island region, especially where analog Channels *10 and *11 are already in use by HPTF. Simply put, before DTV Channel *10 is allotted to Honolulu, the Commission should satisfy itself that there is no other viable substitute channel that could be used by Pacifica. The real world costs of interference suggest that an ounce of prevention is better than many pounds of cure, particularly if the parties ultimately have to cope with real world interference and reception

¹ *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, 11 CR 634, 13 FCC Rcd 7418, 63 FR 13546 (Feb. 23, 1998), FCC 98-24, MM Docket No. 87-268 (*Memorandum Opinion and Order on Reconsideration of the 5th Report and Order*, aka "*Service Reconsideration Order*") at paragraph 92.

problems associated with packing too many analog and DTV channels too close together in an island region that is already experiencing complicated logistical problems with its DTV conversion.

Use of DTV Channel 10 Would Frustrate the Public Interest By Causing Interference to Cable Reception of Existing Public Television Service

Moreover, HPTF is concerned that Pacifica's use of DTV Channel *10 will disrupt cable television reception to those people in the vicinity of the proposed DTV Channel 10 transmitter who view HPTF's programming via cable. The island of Oahu has approximately 92% cable penetration and HPTF's cable channel is Channel 10. HPTF is already aware of real world interference in Hawaii resulting from a DTV facility transmitting on one of the cable analog channels, which has resulted in severely impaired cable reception and a series of complaints from viewers. HPTF, therefore, remains concerned that Pacifica's use of DTV Channel *10 will disrupt viewer reception of its own programming. If interference to HPTF's reception occurs – on a scale similar to that presently occurring in the Oahu cable community – the public interest will not be served. Moreover, HPTF relies on critical public support from viewers to fund its operations (44% of HPTF's budget comes from the community, 34% of HPTF's budget comes from the viewing public and 10% from businesses) – a disruption in HPTF's programming, and corresponding adverse public reaction, would jeopardize HPTF's funding base and future DTV plans.

Conclusion

For the reasons stated above, HPTF is concerned about the use of DTV Channel *10 at Honolulu, Hawaii, as proposed in the NPRM, and urges Pacific and the Commission to find another viable DTV channel that can be used by Pacifica.

Respectfully submitted,

**HAWAII PUBLIC TELEVISION
FOUNDATION**

By: 

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July 19, 2004

Declaration

I, Mike McCartney, hereby declare under penalty of perjury that the factual statements set forth in the foregoing Comments are true and correct to the best of my knowledge and belief.

HAWAII PUBLIC TELEVISION FOUNDATION

By: Mike McCartney

Title: Pres/CEO

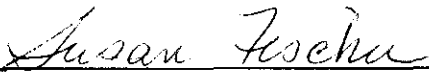
Date: July 16, 2004

CERTIFICATE OF SERVICE

I, Susan J. Fischer certify that a copy of the foregoing "Comments Regarding Notice of Proposed Rulemaking" was served this 19th day of July, 2004, by hand delivery or First Class United States mail, postage prepaid, upon the following:

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